

IFW AF 1647.

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|---|-----------------------------------|---------------------------------|----------------------------------|
| NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO BOARD OF PATENT APPEALS AND INTERFERENCES | | | ATTORNEY'S DOCKET NO.: A-451M |
| SERIAL NO: 09/211,297 | FILING DATE: December 14, 1998 | EXAMINER: DeBerry, Regina M. | GROUP ART UNIT 1647 |
| IN RE APPLICATION OF: William J. Boyle | | | |
| For: Osteoprotegerin Binding Proteins | | | |
| TO THE COMMISSIONER FOR PATENTS: Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision dated <u>February 11, 2004</u> of the Primary Examiner finally rejecting claim(s) <u>82-92</u> . <input type="checkbox"/> Notice of Appeal fee not required (fee paid in prior appeal of this application) <input checked="" type="checkbox"/> Notice of Appeal fee \$330.00 (37 CFR 1.17 (b)) <input type="checkbox"/> Applicant(s) petition(s) under 37 CFR 1.136 for an extension of time to file the foregoing Notice of Appeal as follows: <input type="checkbox"/> One month (\$110.00) <input type="checkbox"/> Two months (\$420.00) <input type="checkbox"/> Three months (\$950.00) Please charge Deposit Account No. 01-0519 in the name of Amgen Inc. in the amount of \$330.00. The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 01-0519. An original and one copy are enclosed. <div style="text-align: right;">Respectfully submitted, Robert B. Winter Attorney/Agent for Applicant(s) Registration No.: 34,458 Phone: (805) 447-2425 Date: August 11, 2004</div> | | | |
| Please send all future correspondence to: US Patent Operations/RBW Dept. 4300, M/S 27-4-A AMGEN INC. One Amgen Center Drive Thousand Oaks, California 91320-1799 | | | |

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EXPRESS MAIL CERTIFICATE

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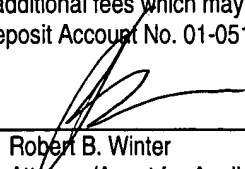
August 11, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Debbie LaBass

Printed Name

Signature

| | | | | | | |
|--|--|--------------------------------|--|---|-------------|--------------------------|
| FEE AUTHORIZATION / AMENDMENT TRANSMITTAL LETTER | | | | Attorney's Docket No: A-451M | | |
| Serial No. 09/211,297 | Filing Date December 14, 1998 | Examiner DeBerry, Regina M. | Group Art Unit 1647 | | | |
| In Re Application of William J. Boyle | | | | | | |
| For Osteoprotegerin Binding Proteins | | | | | | |
| TO THE COMMISSIONER FOR PATENTS: | | | | | | |
| <input checked="" type="checkbox"/> Applicant(s) request(s) the following extension of time under 37 CFR 1.136(a): <input type="checkbox"/> One month of original due date (\$110.00) <input type="checkbox"/> Two months of original due date (\$420.00) <input checked="" type="checkbox"/> Three months of original due date (\$950.00) <input type="checkbox"/> Four months of original due date (\$1,480.00) <input type="checkbox"/> Five months of original due date (\$2,010.00) <input checked="" type="checkbox"/> A response in connection with the matter for which this extension is requested: <input checked="" type="checkbox"/> is filed herewith. <input type="checkbox"/> has been filed. <input type="checkbox"/> The response is the filing of a continuing prosecution application, the prior application having an express abandonment conditioned on the granting of a filing date to the continuing application. <input checked="" type="checkbox"/> The accompanying papers include amended claims for which no additional fee is required. <input type="checkbox"/> The accompanying papers include amended claims the fee for which has been calculated as follows: | | | | | | |
| CLAIMS AS AMENDED | | | | | | |
| (1) | (2) Claims remaining After amendment | (3) | (4) Highest number Previously paid for | (5) No. of Extra claims present | (6) Rate | (7) Additional Fee |
| Total Claims | 11 | Minus | 42 = | 0 | x \$18 | = \$ 0.00 |
| Indep. Claims | 1 | Minus | 4 = | 0 | x \$86 | = 0.00 |
| <input type="checkbox"/> First Appearance of a multiple dependent claim | | | | | + \$290 | = 0.00 |
| Total Additional Fee for this Amendment | | | | | \$0.00 | |
| <p>* If the entry in column 2 is less than the entry in column 4, write "0" in column 5. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space. *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col 1. of a prior amendment or the number of claims originally filed.</p> <p><input type="checkbox"/> The following other fees are incurred by the accompanying papers. <input type="checkbox"/> Other: _____</p> <p>Please charge Deposit Account No. 01-0519 in the name of Amgen Inc. in the amount of <u>\$950.00</u>. A duplicate copy of this petition is attached.</p> <p><input checked="" type="checkbox"/> If an additional extension of time is required, please consider this a request therefore. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required by the accompanying papers, or credit any overpayment to Deposit Account No. 01-0519.</p> | | | | | | |
| Please Send Future Correspondence To: US Patent Operations/RBW Dept. 4300, M/S 27-4-A AMGEN INC. One Amgen Center Drive Thousand Oaks, California 91320-1799 | | | |  Robert B. Winter Attorney/Agent for Applicant(s) Registration No.: 34,458 Phone: (805) 447-2425 Date: August 11, 2004 | | |

08/16/2004 HALI11 00000023 010519 09211297

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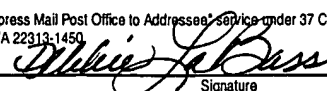
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Debbie LaBass

Printed Name


 Signature



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): William J. Boyle

Serial No.: 09/211,297

Group Art Unit No.: 1647

Filed: December 14, 1998

Examiner: DeBerry, Regina M.

For: Osteoprotegerin Binding Proteins

Docket No.: A-451M

RESPONSE TO FINAL OFFICE ACTION

Attn: Box AF
Commissioner for Patents
P.O. 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This is in response to the Office Action dated February 11, 2004, in which Claims 82-92 were rejected under 35 U.S.C. 112. Reconsideration and withdrawal of the rejection are requested.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 4 of this paper.

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Debbie LaBass

Printed Name


Signature